

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA**

**MALAV THAKORE,**

**Plaintiff,**

**v.**

**SARAH WEBER,**

**Defendant.**

**Case No.: 7:24-CV-00423**

**REPORT OF PARTIES' PLANNING  
MEETING PURSUANT TO FRCP 26(f)**

Date Complaint Filed: July 2, 2024

Date of Service: July 8, 2024

Date of Defendant's Appearance: July 26, 2024

Date Amended Complaint Filed: August 23, 2024

Date Answer Filed: September 6, 2024

Pursuant to Fed. R. Civ. P. 16(b) and 26(f), the parties conferred on October 23, 2024. The participants were:

for the Plaintiff: Kimberly Lau, James Figliozzi, Benjamin North

for the Defendant: M. Hudson McClanahan

**I. CERTIFICATION**

The parties certify that, after consultation with their clients, they have discussed the nature and basis of the parties' claims and defenses and any possibilities for achieving a prompt settlement or other resolution of the case and, in consultation with their clients, have developed the following proposed case management plan. Counsel further certify that they have forwarded a copy of this report to their clients.

## **II. CASE MANAGEMENT PLAN**

### **A. Scheduling Conference with the Court**

The parties do not request a pretrial conference with the Court before entry of a scheduling order.

### **B. Early Settlement Conference**

1. The parties certify that they have considered the desirability of attempting to settle the case before undertaking significant discovery or motion practice.
2. Settlement is unlikely at this time.
3. The parties do not request an early settlement conference at this time.
4. The parties do not request a referral for alternative dispute resolution pursuant to W.D. Va. L. Civ. R. 83 at this time.

### **C. Joinder of Parties and Amendment of Pleadings**

1. Plaintiff should be allowed until November 22, 2024 to file motions to join additional parties and to file motions to amend the pleadings.
2. Defendants should be allowed until December 20, 2024 to file motions to join additional parties.

### **D. Discovery**

- a. The parties have considered the scope of discovery permitted under Fed R. Civ. P. 26(b).
- b. The parties anticipate that discovery will be needed on the following subjects:  
(a) the facts alleged in the Amended Complaint; (b) Defendant's defenses;  
and (c) Plaintiff's damages.

- c. All discovery, including depositions of expert witnesses pursuant to Fed. R. Civ. P. 26(b)(4), will be completed (not propounded) by December 31, 2025.
- d. Discovery will not be conducted in phases.
- e. Initial Disclosures will be due on December 6, 2024.
- f. Initial discovery demands will be served by January 3, 2025.
- g. Plaintiff anticipates that he will require approximately 7 depositions of fact witnesses and Defendant anticipates that she will require approximately 5 depositions of fact witnesses. The depositions will be completed by June 30, 2025.
- h. At this time, the parties do not anticipate requesting permission to serve more than 25 interrogatories, but reserve the right to make such a request at a later date.
- i. Plaintiff may call expert witnesses at trial. Defendant may call expert witnesses at trial.
- j. Expert discovery shall be conducted as follows:
  - Deadline for serving case-in-chief expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2) – August 1, 2025
  - Deadline for serving rebuttal expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2) – September 2, 2025
  - Deadline for deposing case-in-chief experts – October 3, 2025
  - Deadline for deposing rebuttal experts – November 7, 2025
- k. The undersigned agree to discuss in good faith the disclosure and preservation of electronically stored information, including, but not limited to, the form in which such data shall be produced, search terms to be applied

in connection with the retrieval and production of such information, the location and format of electronically stored information, appropriate steps to preserve electronically stored information, and the allocation of costs of assembling and producing such information. The parties will be negotiating an agreement governing the protocol in which electronically stored information will be disclosed. Discovery of electronically stored information will be addressed in the parties' respective discovery requests.

1. Undersigned will discuss discovery procedures that minimize the risk of waiver of privilege or work-product protection, including procedures for asserting privilege claims after production. The parties agree to the following procedures for asserting claims of privilege after production: the parties will adhere to the procedure set forth in Rule 26(b)(5)(B) of the Federal Rules of Civil Procedure.

E. Summary Judgment Motions

Any summary judgment motions will be filed on or before February 2, 2026.

**VI. TRIAL READINESS**

The case will be ready for trial by April 6, 2026 (or three months after the Court's decision on dispositive motions, whichever date is later).

The undersigned agree to cooperate with each other and the Court to promote the just, speedy and inexpensive determination of this action.

[SIGNATURE BLOCK ON FOLLOWING PAGE]

THE PLAINTIFF

By: /s/Benjamin North

Date: November 7, 2024

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THE DEFENDANT

By: /s/M. Hudson McClanahan

Date: November 7, 2024

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**CERTIFICATION**

I hereby certify that, on this 7th day of November, 2024, a copy of the foregoing was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

/s/Benjamin North  
Benjamin North